



## City of Seattle

Edward B. Murray, Mayor

### Department of Construction and Inspections

Nathan Torgelson, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

**Application Number:** 3023965  
**Applicant Name:** Brian O'Connor  
**Address of Proposal:** 3850 21<sup>st</sup> Avenue SW

### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 2-unit row house in an environmentally critical area. Parking for 2 vehicles to be provided. Environmental Review includes future unit lot subdivision.

The following approval is required:

**SEPA Environmental Threshold Determination** (SMC Chapter 25.05)

### **SDCI SEPA DETERMINATION:**

Determination of Non-significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in Seattle Municipal Code (SMC) 25.06.660, the proposal has been conditioned to mitigate environmental impacts

### **BACKGROUND**

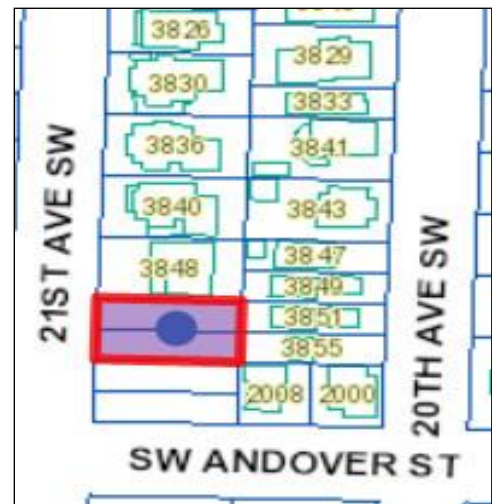
The project site includes two existing lots, Lots 21 and 22 of Block 13, Sanders First Addition to West Seattle. Each lot is approximately 25 feet wide and 100 feet in length. The subdivision plat was recorded in 1888 and appears to have given no regard to the topography of the land as lots and street right-of-way's were laid out in a conventional grid pattern.

The project site is located on a hillside with a western facing slope. Slope inclinations range from near level on the east side of the project site to approximately 30% slopes on the western half of the site. Localized areas on the project site containing slopes of 40% were identified in a preliminary geotechnical report conducted by Associated Earth Sciences, Inc. in November of 2014. Based on the geotechnical report, the project site has a vertical relief of 40 feet. In addition to the slopes, the project site is located within an area mapped as a potential slide area, with several documented slides occurring within 500 to 1000 feet east and west of the project site. Due to the potential for landslides to occur on the project site, the project site and surround areas have been included within an environmentally critical area (ECA) as defined by the Seattle Municipal Code.

The site was granted Relief on Steep Slope Development by the Seattle Department of Construction and Inspections (SDCI) Geotechnical Engineer on April 5, 2016 for the proposed development on the project site (Building permit #6480999): Based on a review of the City GIS system, SDCI concluded that the steep slope areas on the property appear to have been created by previous legal grading associated with right-of-way improvements and site development. Consequently, the project qualified for the Relief From Prohibition On Steep Slope Development, as described in SMC 25.09.180 B2b. An Environmentally Critical Area (ECA) Steep Slope Area Variance, or an Exception, was determined to not be required for this application. Except as described herein, the remaining Environmentally Critical Areas regarding potential landslide requirements apply.

#### Site and Vicinity

Site Location:	3850 21 <sup>st</sup> Avenue SW
Zoning:	Low Rise 1 (LR1)
Parcel Size:	5,000 sq. ft. (0.11 ac)
Existing Use:	vacant
ECA:	This site is mapped as an Environmentally Critical Area (ECA) steep slope and potential slide area.



The project is located on the east side of 21<sup>st</sup> Avenue SW. Vehicle access to the project site is provided by a 20-foot wide easement located on the east side of the site. The access easement serves the two vacant lots south of the project site and six single-family residential dwellings north of the project site.

#### Project Description

The property owner intends on constructing a 2-unit row house in an environmentally critical area. Each of the units will have a ground floor area of approximately 1,980 square feet and include three stories with a roof top deck. Parking for one vehicle will be provided at each of the units off of the alley easement on the east side of the lot. An access stairway will be installed on the west side of the units to provide access to 21<sup>st</sup> Avenue SW. Site work will include grading in the form of cuts for the foundations and stairway access and for the construction of driveways.

The applicant intends to apply for a unit lot subdivision permit. The impacts of that future land use action are anticipated in the SEPA analysis and determination below.

### Public Comment

The public comment period for this project ended on June 19, 2016. No comments were received.

### ANALYSIS – SEPA

The proposal site is located in two environmentally critical areas, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes), may require environmental review (SMC 25.05.908), thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated May 23, 2016. The Seattle Department of Construction and Inspections has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file and any pertinent comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

### Earth / Soils

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study dated November 4, 2014 and conducted by Associated Earth Sciences, Inc. A subsequent technical memorandum from Associated Earth Sciences, Inc. dated January 29, 2015 was also included with the application. The technical memorandum provides recommendations for the potential use of small-diameter pipe piles as foundation support in place of the auger cast piles noted in the November 4<sup>th</sup> geotechnical report. The report and technical memorandum have been reviewed and approved by SDCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties.

No additional conditioning is warranted pursuant to SEPA policies.

### Plants and Animals

The applicant submitted an arborist report from Zsotia Pasztor dated April 2016. The report noted several cherry trees on the project site with trunk diameters ranging from 6 inches to 15 inches. The report notes that the trees are in poor condition and recommends the trees be removed. SDCI staff reviewed the report and agreed with the report's conclusion for the trees on site.

The report also identifies a Maple tree just south of the site as an exceptional tree. The Maple tree has two trunks at 14" and 36". The dripline of this exceptional Maple tree extends over the project site's south boundary. The proposed access stairway from the two units to 21<sup>st</sup> Avenue SW and the southwest corner of Unit 1 are within the dripline of the exceptional Maple tree. No exceptional trees were identified on the project site. Development of the site will impact the dripline of the exceptional tree. The applicant has received approval to remove the exceptional tree through the streamline design review process (MUP #3024000) for two units proposed just south of the project site where the exceptional tree is located. Therefore, no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

### Long-term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

## **CONDITIONS – SEPA**

None required.

Sean Conrad, AICP, Land Use Planner  
Seattle Department of Construction and Inspections

Date: February 27, 2017

SC:rgc

## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.